

S.N. 10/769,359.....AMENDMENT 3

REMARKS

The claims have been amended to more clearly distinguish practice of the invention from the prior art. New claim 8 has been added which is directed to preferred practice of the invention.

It is the essence of the present invention that TS-1 particles which have a median particle size of 10 or more microns are subjected to size reduction to reduce the median particle size to below 10 microns and preferably to below 5 microns prior to spray drying. Claims 1-7 have been amended to specify these features while new claim 8 specifies the preferred practice wherein the particles are reduced in size to a median diameter below 5 microns. Basis is found, for example, at page 2 lines 16-28 of the instant specification.

It has been the experience of applicants that TS-1 crystals tend to agglomerate and form hard lumps which have a median particle size of 10 microns or more, especially in excess of 100 microns. It has further been found upon spray drying, such TS-1 has significant inhomogeneity which adversely affects use, for example, as an epoxidation catalyst.

By the procedure set forth in the instant claims a product having superior utility as epoxidation catalyst is produced.

Claims 1 and 4 were rejected under 35 U.S.C. 102(e) as being anticipated by Carati et al. Reconsideration of this rejection as it may apply to the claims now presented is respectfully requested.

The claims have been amended to specify that the TS-1 to be treated has a greater than 10 micron average particle diameter and that such TS-1 is size reduced to less than 10 micron particle size, preferably less than 5 micron size before spray drying.

It is respectfully contended that the teachings of Carati et al. do not suggest or anticipate that claimed process. Carati fails completely to suggest such a size reduction or the advantages achieved thereby.

Claims 2, 3 and 5-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Carati et al. as above applied and further in view of Sato et al.

S.N. 10/769,359.....AMENDMENT 4

As above described, the essential feature of size reducing the TS-1 as claimed is not taught in the primary reference. The secondary Sato et al. reference does not remedy the fatal deficiency in the rejection. Nowhere in the references, singly or in combination is there a teaching which is anticipating of the claimed invention.

In the absence of the instant disclosure, it is the respectful contention of applicant that the skilled person would in no way be led to the present claimed process from a consideration of the cited art. The art of record does not suggest the process herein claimed much less the benefits achieved therefrom.

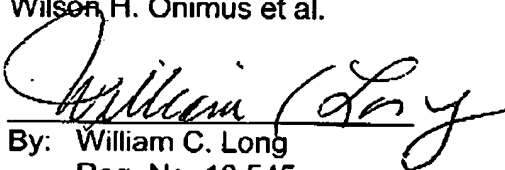
The Examiner is requested to reconsider his rejections on the prior art and to allow the claims now presented.

The total number of claims is 8 and the number of independent claims is 2. Thus, it is believed that no additional fees are owed. Should this be incorrect, authority is given to charge and deficient amount to Deposit Account No. 12-2138.

Allowance of the case is requested.

Respectfully submitted,

Wilson H. Onimus et al.


By: William C. Long
Reg. No. 18,545
Attorney for Applicant(s)
William C. Long, P.A.
118 Washington Street
Morristown, NJ 07960
(973) 540-8470
September 13, 2006

VIA FACSIMILE